



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,048	11/16/1999	MICHAEL J. CALVILLO	98-1146	5358

24333 7590 11/25/2002

GATEWAY, INC.
ATTN: SCOTT CHARLES RICHARDSON
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY, SD 57049

EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 11/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/442,048

Applicant(s)

CALVILLO ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments file on 10/02/02 (paper # 7). Claims 44-46 are newly added. Claims 1-46 are presented for further examinations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is in a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (US Patent 6,336,116).

As per claim 1, Brown teaches a system initiates a search for user specified data comprising:

receiving a request to navigate from a site page to a site home of the network site (col. 2, lines 60-67);

determining a site home for the network site (col. 3, lines 19-20, 36-44); and

wherein a site home is found for the network site, navigating to the site home in response to the received request (col. 6, lines 45-55).

As per claim 2, Brown teaches the step of wherein a site home is not found for the network site, communicating to the user that the site home was not found (col. 6, lines 45-55, col. 8, lines 31-41).

As per claim 3, Brown teaches the step of determining a site home for the network site further comprises locating the address of the site home by identifying a characteristic label assigned to the site home (col. 8, lines 42-67, col. 9, lines 34-54).

As per claim 4, Brown teaches the step identifying a characteristic label further comprises:

retrieving a hypertext markup language (HTML) <Header> metatag associated with the site page (fig. 12a);

determining if HTML <Header> metatag includes a <Title/> tag (fig. 12b, # 2, # 3);

determining if the <Title/> tag includes a characteristic label; determining that the site page is the site home, if the <Title/> tag includes a characteristic label (fig. 12b, # 87b, #87c); and

searching a server serving up the network site for the characteristic label, if the HTML <Header> metatag does not include a <Title/> tag or the <Title/>

tag does not include a characteristic label (Fig. 8, # 61, Fig. 12a, # 89).

As per claim 5, Brown teaches wherein the characteristic label comprises at least one of index.htm, index.html, default.htm, default.html, home.htm, and home.html (fig. 6a-2).

As per claim 6, wherein the step of determining a site home for the network site further comprises:

Reading the address of the site page wherein the address comprises at least two address components and a separator for separating the address component

from other components of the address (fig. 6a-2, <http://www.mysite.com/widgets/index.html>); and

parsing the address of the site page into its constituent address components

wherein one of the parsed address components comprises the address of the site home (fig. 6a-2, [/widgets/index.html](#)).

as per claim 7, Brown teaches wherein the address comprises the uniform resource locator (URL) of the site page (col. 1, lines 59-60, col. 2, lines 20-21).

As per claim 8, Brown teaches wherein the separator comprises at least one of a slash ("/") and a double slash ("//") and wherein the address of the site home is separated from the rest of the uniform resource locator (URL) of the site page by a leading double slash ("//") and a trailing slash("/") (fig. 6a-2, <http://www.mysite.com/widgets/index.html>).

As per claim 9, Brown teaches the step of determining a site home for the network site further comprises:

Reading the address of the site page wherein the address comprises at least two address components each separated by a separator

<http://www.mysite.com/widgets/index.html>); and

parsing the address of the site page into the one or more address components (fig. 6a-2, [/widgets/index.html](#));

comparing each of the parsed address components to an index of stored site home

addresses wherein the parsed address component matching a stored site home address comprises the address of the site home (fig. 9, col. Col. 8, lines 3-67, col. 9, lines 1-16).

As per claim 10, Brown teaches wherein the address comprises a uniform resource locator (URL) associated with the site page (col. 1, lines 59-60, col. 2, lines 20-21).

As per claim 11, Brown teaches wherein the separator comprises at least one of a slash ("/") and a double slash ("//") and wherein the address of the site home is separated from other address components of the uniform resource locator (URL) of the site page by a leading double slash ("//") and a trailing slash ("/")(fig. 6a-2, <http://www.mysite.com/widgets/index.html>).

As per claim 12, Brown teaches wherein the step of determining the site home for the network site further comprises:

detecting if a site map exists for the network site; and interrogating the site map to identify an address of the site home from the site map, if a site map is detected (fig. 9, col. 8, lines 3-67, col. 9, lines 1-16).

As per claim 13, Brown teaches wherein the address comprises a uniform resource locator (URL) associated with the site home (col. 1, lines 59-60, col. 2, lines 20-21).

As per claim 14, Brown teaches wherein the step of determining the site home for the network site further comprises:

retrieving a hypertext markup language (HTML) <Header> metatag associated with the site page (fig. 12a); and
determining if the hypertext markup language (HTML) <Header> metatag includes a site home tag for identifying the site home for the network site (fig. 12b, # 87b, #87c).

as per claim 15, Brown teaches wherein the step of receiving a request to navigate from a site page to the site home of the network site comprises detecting invocation of a site home navigation control (col. 7, lines 28-34).

Claims 16, 31 is rejected by the same rationale as state in independent claim 1 argument.

Claims 17-30, 32-42 have the same limitations to claims 2-15; therefore, they are rejected under the same subject matter.

Claim 43 is rejected by the same rationale as state in independent claim 1 argument. Furthermore, Brown teaches request being provided in response to a use selecting a button provided in the browser display (fig. 8, # 62, col. 7, lines 28-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (US Patent 6,336,116) in view of Borman et al (US Patent 6,226,655).

As per claims 44-46, Brown does not explicitly teach providing, as part of a browser display, a graphical user interface button configured to receive requests to navigate the site home of the network site. However, Borman teaches in figure 5A, #

414. The element "414, Home" of Borman is displaying as a part of a browser and it serves the same functionality as a graphical user interface button configured to receive requests to navigate the site home of the network site (col. 8, lines 60-67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown with Borman to modify the home button as disclosed by Borman to have a graphical user interface button configured to receive requests to navigate the site home of the network site because it allows a user to come back to specific site that he/or she designates to navigate to.

Response to Arguments

Applicant's arguments filed on 10/02/02 have been fully considered but they are not persuasive.

In re pages 2-3, applicant argues that the present invention allows a user to easily and conveniently navigate to the site home-even though the user may have entered the site at a point other than the home site and the site may not be equipped with a mechanism indicating the path to the site home. Various embodiments of the present invention provide the aforementioned advantages of home site navigation to users. For example, the user's browser can be configured with a site home navigation button 302 similar to the one shown in Figure 3A. This embodiment provides the added advantage of navigation consistency from one site to the next, even though some sites have no home site navigation mechanism while others may have one of various home

site navigation mechanisms in place. This is, by using the present invention, a user will be provided with a consistent system for navigating to the site home (e.g., the home navigation button 302 of Figure 3A).

In response, the examiner respectfully disagrees. It is noted that the alleges a user will be provided with a consistent system for navigating to the site home (e.g., the home navigation button 302 of Figure 3A) is not recited in the claims. The specification is not the measure of invention. Therefore, limitations contains therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 382 F.2d 924, 155 USPQ 687 (1968).

Applicant argues that Brown ('116) does not disclose determining a site home for the network site as recited in each of claims 1, 16, and 43.

In response, the examiner respectfully disagrees. Brown does discloses in Figure 8, at column 7, lines 28-33 that "the site with the searching capabilities includes entry line 61 and **search button 62**. To search for a text or the like at Wide site 06, all that must be done is to input the text on the entry line, and click on the search button." And at column 10, lines 21 that "<http://www.picosearch.com>>". From the above passages, it is clear that Brown does indeed disclose the claimed "determining a site home for the network site".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.


Art Unit: 2177

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le
November 21, 2002



GRETA ROBINSON
PRIMARY EXAMINER